FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.9714 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Shri C.G.Gavnekar for the petitioner.

Coram : R.S.Mohite,J

Date : 17.11.2005.

PC

1. By this writ petition the petitioner has challenged the Judgment and order passed by the Additional Commissioner, Konkan division, Mumbai, on 31.8.2004 allowing the revision filed by respondent no.1. It appears that the petitioner has applied to the Tahasildar on 18.10.1999 to enter her name as cultivator for the year 1999-2000 in the property which were agricultural lands situated at village Dhamote, Tal. Karjat. It

appears that the Talathi after taking the statement of the applicant and after making the panchanama, submitted the report to the Tahasildar, Karjat. Then Tahasildar Karjat forwarded this case to Naib Tahsildar, Sanjay Gandhi Yojana vide his letter dated 29.2.2000. Then Naib Tahasildar, Sanjay Gandhi Yojana visited the site on 10.10.2000 and after making an enquiry passed an order on 20.10.2000 recording the name of the petitioner as a clutivator for the year 1999-2000. This order was subjected to appeal before the S.D.O. and ultimately revision was allowed. On perusing the record, I find that the Naib Tahasildar in his order dated 20.10.2000 has made no reference to any material on the basis of which he arrived at the finding that the petitioner was a cultivator. As rightly observed by the Commissioner, Konkan division, he visited the site after a year. There is no

mention of any statement having been recorded either by the Talathi or by him.

2. In the circumstances, order passed by the Commissioner, Konkan division, Mumbai, cannot be faulted. Petition is dismissed.

(R.S.Mohite,J)